

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1615

Introduced by Assembly Member Miller

February 8, 2012

An act to amend ~~Section 9615 of the Business and Professions Code, relating to cemeteries~~ Sections 9615, 9740, 9741, 9741.1, 9742, 9743, 9744.5, 9745, 9748, 9749, and 9749.3 of, to add Sections 9605.3, 9607.7, and 9764.4 to, and to add Article 9 (commencing with Section 9789.1) to Chapter 19 of Division 3 of, the Business and Professions Code, and to amend Sections 7003, 7010.3, 7010.7, 7011, 7011.2, 7015, 7016, 7051, 7051.5, 7052, 7052.5, 7054, 7054.1, 7054.6, 7054.7, 7055, 7116, and 7117 of, to add Sections 7002.5, 7006.1, 7006.4, 7006.6, 7006.8, 7010.1, and 7054.8 to, and to add Article 8 (commencing with Section 8370) to Chapter 2 of Part 3 of Division 8 of, the Health and Safety Code, relating to human remains, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1615, as amended, Miller. ~~Cemeteries.~~ *Human remains.*

Existing law, the Cemetery Act, provides for the licensure and regulation of cemeteries, crematories, and their personnel by the Cemetery and Funeral Bureau within the Department of Consumer Affairs. Existing law requires a person who has had a license or registration under the jurisdiction of the bureau revoked, suspended, placed on probation, or surrendered under a stipulated decision, within the immediately preceding 10 years, and who is employed by or who seeks employment with, a licensed cemetery, a licensed crematory, or a licensed cemetery broker to so inform the cemetery manager, crematory manager, or cemetery broker, respectively, as defined.

Existing law creates the Cemetery Fund, which is continuously appropriated for the purpose of implementing the Cemetery Act. Violation of these provisions is a misdemeanor.

~~This bill would make a nonsubstantive change to the latter provision.~~

This bill would require the bureau to license and regulate, as specified, hydrolysis facilities and hydrolysis facility managers, as defined, and would enact requirements substantially similar to those applicable to crematoria. By expanding the definition of crimes relating to the disposition of human remains and creating new crimes, this bill would impose a state-mandated local program. The bill would require that specified fees connected to hydrolysis facility regulation be deposited in the Cemetery Fund. By depositing moneys in a continuously appropriated fund, this bill would make a appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9605.3 is added to the Business and
- 2 Professions Code, to read:
- 3 9605.3. A licensed hydrolysis facility manager is a person who
- 4 is engaged in, is conducting, or is holding himself or herself out
- 5 as engaged in, activities involved in or incidental to the
- 6 maintenance or operation of a hydrolysis facility licensed pursuant
- 7 to this chapter and the hydrolysis of human remains.
- 8 SEC. 2. Section 9607.7 is added to the Business and Professions
- 9 Code, to read:
- 10 9607.7. "Licensed hydrolysis facility" means a corporation,
- 11 partnership, or natural person licensed pursuant to Article 9
- 12 (commencing with Section 9789.1). A licensed hydrolysis facility
- 13 shall be considered a cemetery licensee for purposes of disciplinary
- 14 action pursuant to Article 6 (commencing with Section 9725).
- 15 SEC. 3. Section 9615 of the Business and Professions Code is
- 16 amended to read:

1 9615. (a) (1) ~~Any~~—A person who holds or has held, or was
2 named on, ~~any~~ a license or registration under the jurisdiction of
3 the bureau that has been, within the immediately preceding 10
4 years, revoked, suspended, placed on probation, or surrendered
5 under a stipulated decision, and who is employed by, or who seeks
6 employment with, a licensed cemetery, a licensed crematory, *a*
7 *licensed hydrolysis facility*, or a licensed cemetery broker in any
8 capacity, shall inform the licensed cemetery manager, the licensed
9 crematory manager, *the licensed hydrolysis facility manager*, or
10 the licensed cemetery broker of that revocation, suspension,
11 probation, or surrender.

12 (2) A person subject to this subdivision shall inform the licensed
13 cemetery manager, the licensed crematory manager, *the licensed*
14 *hydrolysis facility manger*, or the licensed cemetery broker upon
15 application for employment by completing a form that shall be
16 made available by the bureau.

17 (b) The cemetery manager, crematory manager, *licensed*
18 *hydrolysis facility manager*, or cemetery broker who is informed
19 pursuant to subdivision (a) shall notify the bureau by submitting
20 the form within 30 days of being so informed. Failure of the
21 cemetery manager, *licensed hydrolysis facility manager*, crematory
22 manager, or cemetery broker to notify the bureau shall be a cause
23 for a warning. A cemetery manager, crematory manager, *licensed*
24 *hydrolysis facility manager*, or cemetery broker shall not be subject
25 to a warning if his or her failure to notify the bureau is due to a
26 false statement made by an employee.

27 (c) ~~Any~~—A person required to notify the cemetery manager,
28 crematory manager, *licensed hydrolysis facility manager*, or
29 cemetery broker under subdivision (a) who fails to do so or who
30 makes a false statement on the required form shall be subject to
31 disciplinary action if that person is a licensee of the bureau, or that
32 failure or false statement shall be cause for denial of a license
33 under Section 480.

34 (d) For purposes of subdivision (a), the term “named on” applies
35 to a person who was an owner, partner, or corporate officer of an
36 entity that was licensed or registered under the act at the time that
37 entity’s license or registration under the act was revoked,
38 suspended, placed on probation, or surrendered.

39 SEC. 4. Section 9764.4 is added to the Business and Professions
40 Code, to read:

1 9764.4. (a) *The fee to take the examination or reexamination*
2 *to become a licensed hydrolysis facility manager may not exceed*
3 *the reasonable cost of administering the examination or five*
4 *hundred dollars (\$500).*

5 (b) *The fee to obtain or renew a license as a hydrolysis facility*
6 *manager may not exceed the reasonable cost of licensure*
7 *administration or one hundred dollars (\$100).*

8 SEC. 5. *Section 9740 of the Business and Professions Code is*
9 *amended to read:*

10 9740. No person shall dispose of or offer to dispose of any
11 cremated *or hydrolyzed* human remains unless registered as a
12 cremated remains disposer by the bureau. This article shall not
13 apply to any person, partnership, or corporation holding a
14 certificate of authority as a cemetery, crematory license, *hydrolysis*
15 *facility license*, cemetery broker's license, cemetery salesperson's
16 license, or funeral director's license, nor shall this article apply to
17 any person having the right to control the disposition of the
18 cremated remains *or hydrolyzed remains* of any person or that
19 person's designee if the person does not dispose of or offer to
20 dispose of more than 10 cremated human remains *or hydrolyzed*
21 *human remains* within any calendar year.

22 SEC. 6. *Section 9741 of the Business and Professions Code is*
23 *amended to read:*

24 9741. (a) Registration shall be on the form prescribed by the
25 bureau and shall include, but not be limited to, the full name of
26 the registrant, business and residence addresses, description and
27 identification of aircraft or boats which may be used in dispensing
28 cremated human *remains or hydrolyzed* remains, and the area to
29 be served. Each registration application shall be accompanied by
30 the cremated remains disposer fee.

31 (b) Every registered cremated remains disposer who dispenses
32 human remains by air shall post a copy of his or her current pilot's
33 license, and the address of the cremated remains *or hydrolyzed*
34 *remains* storage area at his or her place of business. Every
35 registered cremated remains disposer who dispenses ~~human~~
36 ~~remains~~ *cremated remains or hydrolyzed remains* by boat shall
37 post a copy of his or her current boating license and the address
38 of the cremated remains *or hydrolyzed remains* storage area at his
39 or her place of business.

1 *SEC. 7. Section 9741.1 of the Business and Professions Code*
2 *is amended to read:*

3 9741.1. The bureau shall prepare and deliver to each registered
4 cremated remains disposer a booklet that includes, but is not limited
5 to, the following information: details about the registration and
6 renewal requirements for cremated remains disposers; requirements
7 for obtaining state permits to dispose of cremated human *remains*
8 *or hydrolyzed remains*; state storage requirements, if any; statutory
9 duties pursuant to this article, and other applicable state laws.

10 *SEC. 8. Section 9742 of the Business and Professions Code is*
11 *amended to read:*

12 9742. All aircraft used for the scattering of cremated human
13 remains *or hydrolyzed remains* shall be validly certified by the
14 Federal Aviation Administration. All boats or vessels used for the
15 scattering of cremated human remains *or hydrolyzed remains* shall
16 be registered with the Department of Motor Vehicles or
17 documented by a federal agency, as appropriate. The certification
18 or registration shall be available for inspection by the bureau.

19 *SEC. 9. Section 9743 of the Business and Professions Code is*
20 *amended to read:*

21 9743. A cremated remains disposer who scatters any cremated
22 human remains *or hydrolyzed remains* without specific written
23 instructions from the person having the right to control the
24 disposition of the remains or who scatters any remains in a manner
25 not in accordance with those instructions shall be subject to
26 disciplinary action.

27 *SEC. 10. Section 9744.5 of the Business and Professions Code*
28 *is amended to read:*

29 9744.5. (a) Every cremated remains disposer shall do both of
30 the following:

31 (1) Dispose of cremated remains *or hydrolyzed remains* within
32 60 days of the receipt of those remains, unless a written signed
33 reason for a delay is presented to the person with the right to
34 control the disposition of the remains under Section 7100 of the
35 Health and Safety Code.

36 (2) Provide the bureau with the address and phone number of
37 any storage facility being used by the registrant to store cremated
38 remains *or hydrolyzed remains*. Cremated remains *and hydrolyzed*
39 *remains* shall be stored in a place free from exposure to the
40 elements, and shall be responsibly maintained until disposal. The

bureau and its representatives shall conduct, on an annual basis, random inspections of the operations of 5 to 10 percent of the registered cremated remains disposers, and is authorized to inspect any place used by a cremated remains disposer for the storage of cremated remains *or hydrolyzed remains* without notice to the cremated remains disposer.

(b) A violation of the requirements of this section is grounds for disciplinary action.

SEC. 11. Section 9745 of the Business and Professions Code is amended to read:

9745. (a) Each cremated remains disposer shall file, and thereafter maintain an updated copy of, an annual report on a form prescribed by the bureau. The report shall include, but not be limited to, the names of the deceased persons whose cremated remains *or hydrolyzed remains* were disposed of, the dates of receipt of the cremated remains *or hydrolyzed remains*, the names and addresses of the persons who authorized disposal of those remains, the dates and locations of disposal of those remains, and the means and manner of disposition. The report shall cover the fiscal year ending on June 30th and shall be filed with the bureau no later than September 30th of each year.

(b) ~~Any~~ A cremated remains disposer that makes a willful and material false statement regarding the disposal of cremated remains *or hydrolyzed remains* in the annual report filed or updated pursuant to subdivision (a) shall be subject to disciplinary action.

(c) Any cremated remains disposer that makes a willful and material false statement in the annual report filed or updated pursuant to subdivision (a) shall be guilty of a misdemeanor.

SEC. 12. Section 9748 of the Business and Professions Code is amended to read:

9748. Any person who scatters cremated human remains *or hydrolyzed remains* without a valid registration and who is not otherwise exempt from this article shall be guilty of a misdemeanor. The remains of each person scattered shall constitute a separate violation.

SEC. 13. Section 9749 of the Business and Professions Code is amended to read:

9749. Any person who scatters any cremated human remains *or hydrolyzed remains* without specific written instructions from the person having the right to control the disposition of the remains

1 or who scatters any remains in a manner not in accordance with
2 those instructions shall be guilty of a misdemeanor.

3 *SEC. 14. Section 9749.3 of the Business and Professions Code*
4 *is amended to read:*

5 9749.3. ~~Any~~ A cremated remains disposer who stores cremated
6 remains *or hydrolyzed remains* in a reckless manner that results
7 in either of the following is guilty of a public offense punishable
8 by imprisonment in a county jail not exceeding one year or by a
9 fine not to exceed five thousand dollars (\$5,000), or by both that
10 fine and imprisonment:

11 (a) Loss of all or part of the cremated remains *or hydrolyzed*
12 *remains*.

13 (b) Inability to individually identify the cremated remains *or*
14 *hydrolyzed*.

15 *SEC. 15. Article 9 (commencing with Section 9789.1) is added*
16 *to Chapter 19 of Division 3 of the Business and Professions Code,*
17 *to read:*

18
19 *Article 9. Hydrolysis*
20

21 9789.1. A hydrolysis facility may be operated, established, or
22 maintained by a corporation, partnership, or natural person,
23 provided that a valid hydrolysis facility license has been issued
24 by the bureau.

25 9789.2. A change in the ownership of a hydrolysis facility shall
26 be reported to the bureau. A transfer in a single transaction or a
27 related series of transactions of more than 50 percent of the
28 equitable interest in a licensed hydrolysis facility shall constitute
29 a change of ownership. When a change of ownership in a
30 hydrolysis facility occurs, the existing hydrolysis facility license
31 shall lapse and the new owner shall obtain a new license from the
32 bureau as otherwise provided in this act. The bureau shall not
33 require an applicant under this section to obtain any new permit
34 or license from any other governmental agency when the existing
35 permit or license is valid.

36 9789.3. The application for a hydrolysis facility license shall
37 be made in writing on the form prescribed by the bureau and filed
38 at the principal office of the bureau. The application shall be
39 accompanied by the fees required by this article and shall show
40 that the applicant owns or is actively operating a hydrolysis facility

1 *in this state or that the applicant is in a position to commence*
2 *operating the hydrolysis facility.*

3 9789.4. (a) *The bureau shall require the applicant to prove*
4 *compliance with all applicable laws, rules, regulations, ordinances,*
5 *and orders, and shall not issue a hydrolysis facility license until*
6 *the bureau is satisfied that the public interest, human health, and*
7 *environmental quality will be served by the applicant.*

8 (b) *The applicant must obtain all relevant permits from local*
9 *and state agencies to demonstrate compliance with hazardous*
10 *waste, water quality, and drinking water standards, including, but*
11 *not limited to, Chapter 6.5 (commencing with Section 25200) of*
12 *Division 20 of the Health and Safety Code, in particular Section*
13 *25200 et seq., Title 22 of the California Code of Regulations, and*
14 *the Porter-Cologne Water Quality Act (Division 7 (commencing*
15 *with Section 13000) of the Water Code). The applicant shall be*
16 *inspected annually by the Certified Unified Program Agencies to*
17 *ensure compliance with the appropriate environmental standards.*

18 9789.5. (a) *The bureau shall adopt, and may from time to time*
19 *amend, rules and regulations prescribing standards of knowledge,*
20 *experience, and financial responsibility for applicants for a*
21 *hydrolysis facility license. In reviewing an application for a*
22 *hydrolysis facility license, the bureau may consider acts of the*
23 *applicant, including acts of incorporators, officers, directors, and*
24 *stockholders, which shall constitute grounds for the denial of a*
25 *hydrolysis facility license pursuant to Division 1.5 (commencing*
26 *with Section 475).*

27 (b) *Upon receipt of an application for a hydrolysis facility*
28 *license, the bureau may investigate, or cause an investigation to*
29 *be made of, the physical status, plans, specifications, and financing*
30 *of the proposed hydrolysis facility, the character of the applicant,*
31 *including, if applicable, its officers, directors, shareholders, or*
32 *members, and any other qualifications required of the applicant*
33 *under this article, and for this purpose may subpoena witnesses,*
34 *administer oaths, and take testimony.*

35 (c) *At the time of the filing of the application required by this*
36 *article, the applicant shall pay to the Cemetery Fund the sum fixed*
37 *by the bureau at not in excess of the reasonable cost of*
38 *investigation or four hundred dollars (\$400) to defray the expenses*
39 *of investigation. In the event the sum shall be insufficient to defray*
40 *all of the expenses, the applicant shall, within five days after the*

bureau makes a request, deposit an additional sum sufficient to defray the department's expenses, provided that the total sum shall not exceed nine hundred dollars (\$900).

9789.6. No hydrolysis facility licensed pursuant to this article shall conduct hydrolysis unless all of the following requirements are met:

(a) The licensee has a written contract with the person or persons entitled to custody of the remains clearly stating the location, manner, and time of disposition of the remains, agreeing to pay the regular fees of the licensee for hydrolysis, disposition, and other services rendered, and any other contractual provisions required by the bureau.

(b) Hydrolysis of remains shall occur not more than 24 hours after delivery of the remains unless the remains have been preserved in the interim by refrigeration or embalming.

(c) The licensee has a contractual relationship with a licensed cemetery authority for final disposition of hydrolyzed remains by burial, entombment, or inurnment of any and all remains which are not lawfully disposed of or which are not called for or accepted by the person or persons entitled to the custody and control of the disposition of those remains within 90 days of the date of death.

9789.7. A hydrolysis facility licensee that prohibits relatives or the responsible party from viewing the hydrolysis process shall disclose this fact in writing to the person or persons entitled to custody of the remains prior to the signing of any contract.

9789.8. A hydrolysis facility licensee shall keep records and relevant permits as required by the bureau to ensure compliance with all laws relating to the disposition of hydrolyzed remains and shall file annually with the bureau a report, in the form prescribed by the bureau, describing the operations of the licensee, including the number of hydrolyses performed, the disposition of remains from each hydrolysis performed, and other information as required by the bureau.

9789.9. A hydrolysis facility licensee operating a hydrolysis facility licensed pursuant to this article shall pay an annual regulatory charge for each hydrolysis facility, to be fixed by the bureau at not more than the reasonable cost of regulatory administration or four hundred dollars (\$400). In addition to an annual regulatory charge for each hydrolysis facility, every licensee operating a hydrolysis facility licensed pursuant to this

1 article shall pay an additional charge to be fixed by the bureau at
2 not more than eight dollars and fifty cents (\$8.50) per hydrolysis
3 that occurred during the preceding quarter, which charges shall
4 be deposited in the Cemetery Fund.

5 9789.10. (a) Each hydrolysis facility for which a license is
6 required shall be operated under the supervision of a manager
7 qualified as such in accordance with rules adopted by the bureau.
8 Each manager shall be required to successfully pass a written
9 examination evidencing an understanding of the applicable
10 provisions of this code and Division 7 (commencing with Section
11 7000) and Division 8 (commencing with Section 8100) of the
12 Health and Safety Code.

13 (b) No person shall engage in the business of, act in the capacity
14 of, or advertise or assume to act as, a hydrolysis facility manager
15 without first obtaining a license from the bureau.

16 9789.11. (a) A hydrolysis facility shall at all times employ a
17 licensed hydrolysis facility manager to manage, supervise, and
18 direct its operations.

19 (b) A hydrolysis facility owner shall designate a licensed
20 hydrolysis facility manager to manage the hydrolysis facility and
21 shall report the designation, including a change in the designation
22 of a manager, to the bureau within 10 days of the effective date of
23 designation.

24 (c) The designated hydrolysis facility manager shall be
25 responsible for exercising the direct supervision and control over
26 the operations, employees, and agents of the hydrolysis facility as
27 is necessary to ensure full compliance with the applicable
28 provisions of this code, the Health and Safety Code, and any
29 regulations adopted pursuant thereto. Failure of the designated
30 hydrolysis facility manager or the licensed hydrolysis facility to
31 exercise that supervision or control shall constitute a ground for
32 disciplinary action.

33 (d) A hydrolysis facility may employ, in addition to the
34 designated hydrolysis facility manager, additional licensed
35 hydrolysis facility managers. However, only one licensed hydrolysis
36 facility manager may be appointed as the designated hydrolysis
37 facility manager of the hydrolysis facility.

38 9789.12. (a) The application for a hydrolysis facility manager
39 license shall be made in writing on the form provided by the
40 bureau, verified by the applicant, and filed at the principal office

1 of the bureau. The application shall be accompanied by the fee
2 fixed by this chapter.

3 (b) An applicant for a hydrolysis facility manager license shall
4 be at least 18 years of age, possess a high school diploma or its
5 equivalent, shall not have committed acts or crimes constituting
6 grounds for denial of licensure under Section 480, shall
7 demonstrate compliance with the training and experience
8 requirements established by the bureau, and shall be a resident
9 of this state.

10 (c) The bureau shall grant a hydrolysis facility manager license
11 to any applicant who meets the requirements of this chapter and
12 who has successfully passed the hydrolysis facility manager
13 examination administered by the bureau.

14 9789.13. (a) No person shall engage in or conduct, or hold
15 himself or herself out as engaging in or conducting, the activities
16 of a hydrolysis facility manager without holding a valid, unexpired
17 hydrolysis facility manager license issued by the bureau.

18 (b) No licensed hydrolysis facility manager shall engage in or
19 conduct, or hold himself or herself out as engaging in or
20 conducting, the activities of a hydrolysis facility manager without
21 being employed by, or without being a sole proprietor, partner,
22 or corporate officer of, a licensed hydrolysis facility.

23 9789.14. It is a misdemeanor for any person, firm, or
24 corporation to hydrolyze human remains, or to engage in the
25 disposition of those remains, without a valid, unexpired hydrolysis
26 facility license. Each hydrolysis carried out in violation of this
27 section shall be a separate violation.

28 9789.15. A hydrolysis facility licensee shall be subject to and
29 shall be disciplined by the bureau in accordance with Article 6
30 (commencing with Section 9725).

31 SEC. 16. Section 7002.5 is added to the Health and Safety
32 Code, to read:

33 7002.5. "Hydrolyzed remains" means bone fragments of a
34 human body that are left after hydrolysis in a hydrolysis facility.
35 "Hydrolyzed remains" does not include foreign materials,
36 pacemakers, or prostheses.

37 SEC. 17. Section 7003 of the Health and Safety Code is
38 amended to read:

39 7003. "Cemetery" means either of the following:

(a) Any of the following that is used or intended to be used and dedicated for cemetery purposes:

- (1) A burial park, for earth interments.
- (2) A mausoleum, for crypt or vault interments.
- (3) A crematory and columbarium, for ~~crematory interments~~ *internment of cremated remains or hydrolyzed remains*.

(b) A place where six or more human bodies are buried.

SEC. 18. Section 7006.1 is added to the Health and Safety Code, to read:

7006.1. "Hydrolysis facility" means a building or structure containing one or more vessels for the reduction of bodies of deceased persons by alkaline hydrolysis.

SEC. 19. Section 7006.4 is added to the Health and Safety Code, to read:

7006.4. "Hydrolysis vessel" means the enclosed space within which the hydrolysis of human remains is performed. Allowable hydrolysis vessels for the disposition of human remains shall meet or exceed State Department of Public Health and federal Centers for Disease Control and Prevention requirements for complete destruction of human pathogens.

SEC. 20. Section 7006.6 is added to the Health and Safety Code, to read:

7006.6. "Hydrolysis container" means a hydrolyzable closed container resistant to leakage of bodily fluids into which the body of a deceased person is placed prior to insertion in a hydrolysis vessel for alkaline hydrolysis.

SEC. 21. Section 7006.8 is added to the Health and Safety Code, to read:

7006.8. "Hydrolyzed remains container" means a receptacle in which hydrolyzed remains are placed after hydrolysis.

SEC. 22. Section 7010.1 is added to the Health and Safety Code, to read:

7010.1. "Hydrolysis" means the process by which the following three steps are taken:

(a) The reduction of the body of a deceased person to its essential chemical components by alkaline hydrolysis. Alkaline hydrolysis is a chemical process using heat, high pressure, water, and potassium hydroxide to dissolve human tissue within a hydrolysis container.

1 (b) Wherever possible, the least amount of potassium hydroxide
2 that is still effective for complete dissolution of the remains shall
3 be used within the hydrolysis container, to minimize the
4 downstream environmental impact of the effluent and to maximize
5 worker safety.

6 (c) The processing of the remains after removal from the
7 hydrolysis chamber pursuant to Section 7010.3.

8 SEC. 23. Section 7010.3 of the Health and Safety Code is
9 amended to read:

10 7010.3. "Processing" means the removal of foreign objects,
11 pursuant to Section 7051, and the reduction of the particle size of
12 cremated remains *or hydrolyzed remains* by mechanical means
13 including, but not limited to, grinding, crushing, and pulverizing
14 to a consistency appropriate for disposition.

15 SEC. 24. Section 7010.7 of the Health and Safety Code is
16 amended to read:

17 7010.7. "Scattering" means the authorized dispersal of cremated
18 remains *or hydrolyzed remains* at sea, in other areas of the state,
19 or commingling in a defined area within a dedicated cemetery, in
20 accordance with this part.

21 SEC. 25. Section 7011 of the Health and Safety Code is
22 amended to read:

23 7011. "Inurnment" means placing cremated remains *or*
24 *hydrolyzed remains* in a cremated remains *or hydrolyzed remains*
25 container suitable for placement, burial, or shipment.

26 SEC. 26. Section 7011.2 of the Health and Safety Code is
27 amended to read:

28 7011.2. "Placement" means the placing of a container holding
29 cremated remains *or hydrolyzed remains* in a crypt, vault, or niche.

30 SEC. 27. Section 7015 of the Health and Safety Code is
31 amended to read:

32 7015. "Crypt" or "vault" means a space in a mausoleum of
33 sufficient size, used or intended to be used, to entomb ~~uncremated~~
34 ~~human remains~~ *human remains that have been neither cremated*
35 *nor hydrolyzed*.

36 SEC. 28. Section 7016 of the Health and Safety Code is
37 amended to read:

38 7016. "Niche" means a space in a columbarium used, or
39 intended to be used, for the placement of cremated ~~human~~ *remains*
40 *or hydrolyzed remains*.

1 SEC. 29. *Section 7051 of the Health and Safety Code is*
2 *amended to read:*

3 7051. Every person who removes any part of any human
4 remains from any place where it has been interred, or from any
5 place where it is deposited while awaiting interment, *cremation,*
6 ~~or cremation~~ *hydrolysis*, with intent to sell it or to dissect it, without
7 authority of law, or written permission of the person or persons
8 having the right to control the remains under Section 7100, or with
9 malice or wantonness, has committed a public offense that is
10 punishable by imprisonment pursuant to subdivision (h) of Section
11 1170 of the Penal Code.

12 This section shall not prohibit the removal of foreign materials,
13 pacemakers, or prostheses from cremated remains *or hydrolyzed*
14 *remains* by an employee of a licensed crematory *or licensed*
15 *hydrolysis facility* prior to final processing of ~~ashes~~ *remains*. Dental
16 gold or silver, jewelry, or mementos, to the extent that they can
17 be identified, may be removed by the employee prior to final
18 processing if the equipment is such that it will not process these
19 materials. However, any dental gold and silver, jewelry, or
20 mementos that are removed shall be returned to the urn or cremated
21 remains container *or hydrolyzed remains container*, unless
22 otherwise directed by the person or persons having the right to
23 control the disposition.

24 SEC. 30. *Section 7051.5 of the Health and Safety Code is*
25 *amended to read:*

26 7051.5. Every person who removes or possesses dental gold
27 or silver, jewelry, or mementos from any human remains without
28 specific written permission of the person or persons having the
29 right to control those remains under Section 7100 is punishable
30 by imprisonment pursuant to subdivision (h) of Section 1170 of
31 the Penal Code. The fact that residue and any unavoidable dental
32 gold or dental silver, or other precious metals remain in the
33 cremation chamber, *hydrolysis vessel*, or other equipment or any
34 container used in a prior cremation *of hydrolysis* is not a violation
35 of this section.

36 SEC. 31. *Section 7052 of the Health and Safety Code is*
37 *amended to read:*

38 7052. (a) Every person who willfully mutilates, disinters,
39 removes from the place of interment, or commits an act of sexual
40 penetration on, or has sexual contact with, any remains known to

1 be human, without authority of law, is guilty of a felony. This
2 section does not apply to any person who, under authority of law,
3 removes the remains for reinterment, or performs a cremation *or*
4 *hydrolysis*.

5 (b) For purposes of this section, the following definitions apply:

6 (1) “Sexual penetration” means the unlawful penetration of the
7 vagina or anus, however slight, by any part of a person’s body or
8 other object, or any act of sexual contact between the sex organs
9 of a person and the mouth or anus of a dead body, or any oral
10 copulation of a dead human body for the purpose of sexual arousal,
11 gratification, or abuse.

12 (2) “Sexual contact” means any willful touching by a person of
13 an intimate part of a dead human body for the purpose of sexual
14 arousal, gratification, or abuse.

15 *SEC. 32. Section 7052.5 of the Health and Safety Code is*
16 *amended to read:*

17 7052.5. Notwithstanding the provisions of Section 7052,
18 cremated remains *or hydrolyzed remains* may be removed from
19 the place of interment for disposition as provided in Section 7054.6
20 or for burial at sea as provided in Section 7117.

21 *SEC. 33. Section 7054 of the Health and Safety Code is*
22 *amended to read:*

23 7054. (a) (1) Except as authorized pursuant to the sections
24 referred to in subdivision (b), every person who deposits or
25 disposes of any human remains in any place, except in a cemetery,
26 is guilty of a misdemeanor.

27 (2) Every licensee or registrant pursuant to Chapter 12
28 (commencing with Section 7600) or Chapter 19 (commencing with
29 Section 9600) of Division 3 of the Business and Professions Code
30 and the agents and employees of the licensee or registrant, or any
31 unlicensed person acting in a capacity in which a license from the
32 Cemetery and Funeral Bureau is required, who, except as
33 authorized pursuant to the sections referred to in subdivision (b),
34 deposits or disposes of any human remains in any place, except in
35 a cemetery, is guilty of a misdemeanor that shall be punishable by
36 imprisonment in a county jail not exceeding one year, by a fine
37 not exceeding ten thousand dollars (\$10,000), or both that
38 imprisonment and fine.

39 (b) Cremated remains *or hydrolyzed remains* may be disposed
40 of pursuant to Sections 7054.6, 7116, 7117, and 103060.

(c) Subdivision (a) of this section shall not apply to the reburial of Native American remains under an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code, or implementation of a recommendation or agreement made pursuant to Section 5097.98 of the Public Resources Code.

SEC. 34. Section 7054.1 of the Health and Safety Code is amended to read:

7054.1. No cremated remains *or hydrolyzed remains* shall be removed from the place of cremation *or hydrolysis*, nor shall there be any charge for the cremation *or hydrolysis*, unless the cremated remains have been processed so that they are suitable for inurnment within a cremated remains container, *hydrolyzed remains container*, or an urn. Every contract for cremation services *or hydrolysis services* shall include specific written notification of the processing to the person having the right to control the disposition of the remains under Section 7100.

SEC. 35. Section 7054.6 of the Health and Safety Code is amended to read:

7054.6. (a) Except as provided in subdivision (b), cremated remains *and hydrolyzed remains* may be removed in a durable container from the place of cremation, *hydrolysis*, or interment and kept in or on the real property owned or occupied by a person described in Section 7100 or any other person, with the permission of the person with the right to disposition, or the durable container holding the cremated *or hydrolyzed* remains may be kept in a church or religious shrine, if written permission of the church or religious shrine is obtained and there is no conflict with local use permit requirements or zoning laws, if the removal is under the authority of a permit for disposition granted under Section 103060. The placement, in any place, of six or more cremated *or hydrolyzed* remains under this section does not constitute the place a cemetery, as defined in Section 7003.

(b) Notwithstanding any other provision of law, cremated remains *or hydrolyzed remains* may be placed in one or more keepsake urns. Keepsake urns shall be kept as authorized by the person or persons with the right to control disposition pursuant to Section 7100, provided that a permit for disposition of human remains pursuant to Section 103060 is issued by the local registrar for each keepsake urn designating the home address of each person

1 receiving a keepsake urn and a permit fee pursuant to Section
2 103065 is paid. No keepsake urn shall be subject to Section 8345.
3 For purposes of this section, a keepsake urn shall mean a closed
4 durable container that will accommodate an amount of cremated
5 *or hydrolyzed* remains not to exceed one cubic centimeter.

6 (c) Prior to disposition of cremated remains *or hydrolyzed*
7 *remains*, every licensee or registrant pursuant to Chapter 12
8 (commencing with Section 7600) or Chapter 19 (commencing with
9 Section 9600) of Division 3 of the Business and Professions Code,
10 and the agents and employees of the licensee or registrant shall do
11 all of the following:

12 (1) Remove the cremated *or hydrolyzed* remains from the place
13 of cremation in a durable container.

14 (2) Keep the cremated *or hydrolyzed* remains in a durable
15 container.

16 (3) Store the cremated *or hydrolyzed* remains in a place free
17 from exposure to the elements.

18 (4) Responsibly maintain the cremated *or hydrolyzed* remains.

19 *SEC. 36. Section 7054.7 of the Health and Safety Code is*
20 *amended to read:*

21 7054.7. (a) Except with the express written permission of the
22 person entitled to control the disposition of the remains, no person
23 shall:

24 (1) Cremate the remains of more than one person at the same
25 time in the same cremation chamber, or introduce the remains of
26 a second person into a cremation chamber until incineration of any
27 preceding remains has been terminated and reasonable efforts have
28 been employed to remove all fragments of the preceding remains.
29 The fact that there is residue in the cremation chamber or other
30 equipment or any container used in a prior cremation is not a
31 violation of this section.

32 (2) Dispose of or scatter cremated remains in a manner or in a
33 location that the remains are commingled with those of another
34 person. This paragraph shall not apply to the scattering of cremated
35 remains at sea from individual containers or to the disposal in a
36 dedicated cemetery of accumulated residue removed from a
37 cremation chamber or other cremation equipment.

38 (3) Place cremated *remains, hydrolyzed remains*, or uncremated
39 remains of more than one person in the same container or the same
40 interment space. This paragraph shall not apply to the following:

1 (A) Interment of members of the same family in a common
2 container designed for the cremated remains *or hydrolyzed remains*
3 of more than one person.

4 (B) Interment in a space or container that has been previously
5 designated at the time of sale as being intended for the interment
6 of remains of more than one person.

7 (C) Disposal in a dedicated cemetery of residue removed from
8 a cremation chamber or other cremation equipment.

9 (b) ~~Written acknowledgement~~ *acknowledgment* from the person
10 entitled to control the disposition of the cremated remains shall be
11 obtained by the person with whom arrangements are made for
12 disposition of the remains on a form that includes, but is not limited
13 to, the following information: “The human body burns with the
14 casket, container, or other material in the cremation chamber. Some
15 bone fragments are not combustible at the incineration temperature
16 and, as a result, remain in the cremation chamber. During the
17 cremation, the contents of the chamber may be moved to facilitate
18 incineration. The chamber is composed of ceramic or other material
19 which disintegrates slightly during each cremation and the product
20 of that disintegration is commingled with the cremated remains.
21 Nearly all of the contents of the cremation chamber, consisting of
22 the cremated remains, disintegrated chamber material, and small
23 amounts of residue from previous cremations, are removed together
24 and crushed, pulverized, or ground to facilitate inurnment or
25 scattering. Some residue remains in the cracks and uneven places
26 of the chamber. Periodically, the accumulation of this residue is
27 removed and interred in a dedicated cemetery property, or scattered
28 at sea.” The acknowledgment shall be filed and retained, for at
29 least five years, by the person who disposes of or inters the remains.

30 (c) Any person, including any corporation or partnership,
31 knowingly violating any provision of this section is guilty of a
32 misdemeanor.

33 *SEC. 37. Section 7054.8 is added to the Health and Safety*
34 *Code, to read:*

35 *7054.8. (a) Except with the express written permission of the*
36 *person entitled to control the disposition of the remains, no person*
37 *shall do any of the following:*

38 *(1) Hydrolyze the remains of more than one person at the same*
39 *time in the same hydrolysis vessel, or introduce the remains of a*
40 *second person into a hydrolysis vessel until dissolution of any*

1 preceding remains has been terminated and reasonable efforts
2 have been employed to remove all fragments of the preceding
3 remains. The fact that there is residue in the hydrolysis vessel or
4 other equipment or any container used in a prior cremation is not
5 a violation of this section.

6 (2) Dispose of or scatter hydrolyzed remains in a manner or in
7 such a location that the remains are commingled with those of
8 another person. This paragraph shall not apply to the scattering
9 of hydrolyzed remains at sea from individual containers or to the
10 disposal in a dedicated cemetery of accumulated residue removed
11 from processing equipment.

12 (3) Place hydrolyzed remains or other remains of more than
13 one person in the same container or the same interment space.
14 This paragraph shall not apply to the following:

15 (A) Interment of members of the same family in a common
16 container designed for the hydrolyzed remains or cremated remains
17 of more than one person.

18 (B) Interment in a space or container that has been previously
19 designated at the time of sale as being intended for the interment
20 of remains of more than one person.

21 (C) Disposal in a dedicated cemetery of residue removed from
22 processing equipment.

23 (b) Written acknowledgment from the person entitled to control
24 the disposition of the hydrolyzed remains shall be obtained by the
25 person with whom arrangements are made for disposition of the
26 remains on a form that includes, but is not limited to, the following
27 information: "During the alkaline hydrolysis process, chemical
28 dissolution using heat, high pressure water, and an alkaline
29 solution is used to chemically break down the human tissue and
30 the hydrolyzable alkaline hydrolysis container. The process may
31 not result in complete dissolution. After the process is complete,
32 the liquid effluent solution contains the chemical byproducts of
33 the alkaline hydrolysis process except for the deceased's bone
34 fragments. The solution is cooled and released in accordance with
35 local environmental regulations. A hot water rinse is applied to
36 the cremated remains, which are then dried, crushed, pulverized,
37 or ground to facilitate inurnment or scattering." The
38 acknowledgment shall be filed and retained, for at least five years,
39 by the person who disposes of or inters the remains.

1 (c) A person, including any corporation or partnership, violating
2 any provision of this section is guilty of a misdemeanor.

3 SEC. 38. Section 7055 of the Health and Safety Code is
4 amended to read:

5 7055. (a) Every person, who for himself or herself or for
6 another person, ~~inters or incinerates~~ *inters, cremates, or hydrolyzes*
7 a body or permits the same to be done, or removes any remains,
8 other than cremated remains, from the primary registration district
9 in which the death, *cremation* or ~~incineration~~ *hydrolysis* occurred
10 or the body was found, except a removal by a funeral director in
11 a funeral director's conveyance or an officer of a duly accredited
12 medical college engaged in official duties with respect to the body
13 of a decedent who has willfully donated his or her body to the
14 medical college from that registration district or county to another
15 registration district or county, or within the same registration
16 district or county, without the authority of a burial or removal
17 permit issued by the local registrar of the district in which the death
18 occurred or in which the body was found; or removes interred
19 human remains from the cemetery in which the interment occurred,
20 or removes cremated remains *or hydrolyzed remains* from the
21 premises on which the cremation *or hydrolysis* occurred without
22 the authority of a removal permit is guilty of a misdemeanor and
23 punishable as follows:

24 (1) For the first offense, by a fine of not less than ten dollars
25 (\$10) nor more than five hundred dollars (\$500).

26 (2) For each subsequent offense, by a fine of not less than fifty
27 dollars (\$50) nor more than five hundred dollars (\$500) or
28 imprisonment in the county jail for not more than 60 days, or by
29 both.

30 (b) Notwithstanding subdivision (a), a funeral director of a
31 licensed out-of-state funeral establishment may transport human
32 remains out of this state without a removal permit when he or she
33 is acting within the requirements specified in subdivision (b) of
34 Section 103050.

35 SEC. 39. Section 7116 of the Health and Safety Code is
36 amended to read:

37 7116. Cremated remains *or hydrolyzed remains* may be
38 scattered in areas where no local prohibition exists, provided that
39 the cremated remains *or hydrolyzed remains* are not distinguishable
40 to the public, are not in a container, and that the person who has

1 control over disposition of the cremated remains *or hydrolyzed*
2 *remains* has obtained written permission of the property owner or
3 governing agency to scatter on the property. A state or local agency
4 may adopt an ordinance, regulation, or policy, as appropriate,
5 authorizing, consistent with this section, or specifically prohibiting,
6 the scattering of cremated ~~human~~ remains *or hydrolyzed remains*
7 on lands under the agency's jurisdiction. The scattering of the
8 cremated remains *or hydrolyzed remains* of more than one person
9 in one location pursuant to this section shall not create a cemetery
10 pursuant to Section 7003 or any other provision of law.

11 *SEC. 40. Section 7117 of the Health and Safety Code is*
12 *amended to read:*

13 7117. (a) Cremated remains *or hydrolyzed remains* may be
14 taken by boat from any harbor in this state, or by air, and scattered
15 at sea. Cremated remains *or hydrolyzed remains* shall be removed
16 from their container before the remains are scattered at sea.

17 (b) Any person who scatters at sea, either from a boat or from
18 the air, any human cremated remains *or hydrolyzed remains* shall,
19 file with the local registrar of births and deaths in the county nearest
20 the point where the remains were scattered, a verified statement
21 containing the name of the deceased person, the time and place of
22 death, the place at which the cremated remains *or hydrolyzed*
23 *remains* were scattered, and any other information that the local
24 registrar of births and deaths may require. The first copy of the
25 endorsed permit shall be filed with the local registrar of births and
26 deaths within 10 days of disposition. The third copy shall be
27 returned to the office of issuance.

28 (c) For purposes of this section, the phrase "at sea" includes
29 the inland navigable waters of this state, exclusive of lakes and
30 streams, provided that no such scattering may take place within
31 500 yards of the shoreline. Nothing in this section shall be
32 construed to allow the scattering of cremated ~~human~~ remains *or*
33 *hydrolyzed remains* from a bridge or pier.

34 (d) Notwithstanding any other provision of this code, the
35 cremated remains *or hydrolyzed remains* of a deceased person may
36 be scattered at sea as provided in this section and Section 103060.

37 *SEC. 41. Article 8 (commencing with Section 8370) is added*
38 *to Chapter 2 of Part 3 of Division 8 of the Health and Safety Code,*
39 *to read:*

Article 8. *Hydrolysis Facilities*

8370. *All hydrolyzed remains not disposed of in accordance with this chapter, within one year, shall be interred.*

8372. *No hydrolysis facility shall make or enforce any rules requiring that human remains be placed in a casket before hydrolysis or that human remains be hydrolyzed in a casket, nor shall a hydrolysis facility refuse to accept human remains for hydrolysis for the reason that they are not in a casket. Every director, officer, agent, or representative of a hydrolysis facility who violates this section is guilty of a misdemeanor. Nothing in this section shall be construed to prohibit the requiring of some type of container or disposal unit.*

8373. (a) *A hydrolysis facility shall maintain on its premises, or other business location within the state, an accurate record of all hydrolyses performed, including all of the following information:*

- (1) *Name of referring funeral director, if any.*
- (2) *Name of deceased.*
- (3) *Date of hydrolysis.*
- (4) *Name of hydrolysis vessel operator.*
- (5) *Date that body was inserted in hydrolysis vessel.*
- (6) *Date that body was removed from hydrolysis vessel.*
- (7) *Date that final processing of hydrolyzed remains was completed.*
- (8) *Disposition of hydrolyzed remains.*
- (9) *Name and address of authorizing agent.*
- (10) *The identification number assigned to the deceased, pursuant to Section 8374.*
- (11) *A photocopy of the disposition permit filed in connection with the disposition.*
- (12) *Any documentation of compliance with appropriate environmental and safety laws.*

(b) *This information shall be maintained for at least 10 years after the hydrolysis is performed and shall be subject to inspection by the Cemetery and Funeral Bureau.*

8374. (a) *A hydrolysis facility shall maintain an identification system allowing identification of each decedent beginning from the time the hydrolysis facility accepts delivery of human remains until the point at which it releases the hydrolyzed remains to a*

1 *third party. After hydrolysis, an identifying disk, tab, or other*
 2 *permanent label shall be placed within the urn or hydrolyzed*
 3 *remains container before the hydrolyzed remains are released*
 4 *from the hydrolysis facility. Each identification disk, tab, or label*
 5 *shall have a unique number that shall be recorded on all*
 6 *paperwork regarding the decedent's case and in the hydrolysis*
 7 *facility log. Each hydrolysis facility shall maintain a written*
 8 *procedure for identification of remains.*

9 *(b) A hydrolysis facility that fails, when requested by an official*
 10 *of the Cemetery and Funeral Bureau, to produce a written*
 11 *procedure for identification of remains, shall have 15 working*
 12 *days from the time of the request to produce an identification*
 13 *procedure for review by the executive officer of the Cemetery*
 14 *Board. The license of the hydrolysis facility shall be suspended*
 15 *pursuant to Chapter 5 (commencing with Section 11500) of Part*
 16 *1 of Division 3 of Title 2 of the Government Code, if no*
 17 *identification procedure is produced for review after 15 working*
 18 *days have elapsed.*

19 *8375. A hydrolysis facility regulated by the Cemetery and*
 20 *Funeral Bureau shall knowingly hydrolyze only human remains*
 21 *in hydrolysis chambers, along with the hydrolysis container.*

22 *8376. If a hydrolyzed remains container is of insufficient*
 23 *capacity to accommodate all hydrolyzed remains of a given*
 24 *deceased, the hydrolysis facility shall provide a larger hydrolyzed*
 25 *remains container or urn at no additional cost, or place the excess*
 26 *remains in a secondary cremated remains container and attach*
 27 *the second container, in a manner so as not to be easily detached*
 28 *through incidental contact, to the primary cremated remains*
 29 *container for interment, scattering, or other disposition by the*
 30 *person entitled to control the disposition.*

31 *8377. A hydrolysis facility shall not accept human remains for*
 32 *hydrolysis unless the remains meet both of the following*
 33 *requirements:*

34 *(a) The remains shall be in a hydrolysis container, as defined.*

35 *(b) The hydrolysis container shall be labeled with the identity*
 36 *of the decedent.*

37 *8378. Within two hours after a licensed hydrolysis facility takes*
 38 *custody of a body that has not been embalmed, it shall refrigerate*
 39 *the body at a temperature not greater than 50 degrees Fahrenheit,*

1 *unless the hydrolysis process will begin within 24 hours of the*
2 *time that the hydrolysis facility took custody.*

3 *8379. Every hydrolysis facility manager or duly authorized*
4 *representative shall provide to any person who inquires in person,*
5 *a written or printed list of prices for hydrolysis and storage,*
6 *hydrolysis containers, hydrolysis remains containers and urns,*
7 *and requirements for hydrolysis containers. This information shall*
8 *be provided over the telephone when requested. Any written or*
9 *printed list shall identify the hydrolysis facility and shall contain,*
10 *at a minimum, the current address and phone number of the*
11 *Cemetery and Funeral Bureau in 8-point boldface type, or larger.*

12 *8380. (a) The hydrolysis facility licensee, or its authorized*
13 *representatives, shall provide instruction to all hydrolysis facility*
14 *personnel involved in the hydrolysis process. This instruction shall*
15 *lead to a demonstrated knowledge on the part of an employee*
16 *regarding identification procedures used during hydrolysis,*
17 *operation of the hydrolysis chamber and processing equipment,*
18 *and all laws relevant to the handling of a body and hydrolyzed*
19 *remains. This instruction shall be outlined in a written plan*
20 *maintained by the hydrolysis facility licensee for inspection and*
21 *comment by an inspector of the Cemetery and Funeral Bureau.*

22 *(b) No employee of a hydrolysis facility shall be allowed to*
23 *operate any hydrolysis equipment until he or she has demonstrated*
24 *to the licensee or authorized representative that he or she*
25 *understands the procedures required to ensure the health and*
26 *safety conditions are maintained at the hydrolysis facility and that*
27 *hydrolyzed remains are not commingled. The hydrolysis facility*
28 *licensee shall maintain a record to document that an employee*
29 *has received the training specified in this section.*

30 *(c) A hydrolysis facility that fails, when requested by an official*
31 *of the bureau, to produce a written employee instruction plan or*
32 *record of employee training for inspection, shall have 15 working*
33 *days from the time of the request to produce a plan or training*
34 *record for review by the executive officer of the bureau. The license*
35 *of the hydrolysis facility shall be suspended, pursuant to Chapter*
36 *5 (commencing with Section 11500) of Part 1 of Division 3 of Title*
37 *2 of the Government Code, if no plan or training record is*
38 *produced for review after 15 working days have elapsed.*

39 *SEC. 42. No reimbursement is required by this act pursuant*
40 *to Section 6 of Article XIII B of the California Constitution because*

1 *the only costs that may be incurred by a local agency or school*
2 *district will be incurred because this act creates a new crime or*
3 *infraction, eliminates a crime or infraction, or changes the penalty*
4 *for a crime or infraction, within the meaning of Section 17556 of*
5 *the Government Code, or changes the definition of a crime within*
6 *the meaning of Section 6 of Article XIII B of the California*
7 *Constitution.*

8 ~~SECTION 1. Section 9615 of the Business and Professions~~
9 ~~Code is amended to read:~~

10 9615. (a) (1) Any person who holds or has held, or was named
11 on, any license or registration under the jurisdiction of the bureau
12 that has been, within the immediately preceding 10 years, revoked,
13 suspended, placed on probation, or surrendered under a stipulated
14 decision, and who is employed by, or who seeks employment with,
15 a licensed cemetery, a licensed crematory, or a licensed cemetery
16 broker in any capacity, shall inform the licensed cemetery manager,
17 the licensed crematory manager, or the licensed cemetery broker
18 of that revocation, suspension, probation, or surrender.

19 (2) A person subject to this subdivision shall inform the licensed
20 cemetery manager, the licensed crematory manager, or the licensed
21 cemetery broker upon application for employment by completing
22 a form that shall be made available by the bureau.

23 (b) ~~The cemetery manager, crematory manager, or cemetery~~
24 ~~broker who is informed pursuant to subdivision (a) shall notify the~~
25 ~~bureau by submitting the form within 30 days following being so~~
26 ~~informed. Failure of the cemetery manager, crematory manager,~~
27 ~~or cemetery broker to notify the bureau shall be a cause for a~~
28 ~~warning. A cemetery manager, crematory manager, or cemetery~~
29 ~~broker shall not be subject to a warning if his or her failure to~~
30 ~~notify the bureau is due to a false statement made by an employee.~~

31 (c) ~~Any person required to notify the cemetery manager,~~
32 ~~crematory manager, or cemetery broker under subdivision (a) who~~
33 ~~fails to do so or who makes a false statement on the required form~~
34 ~~shall be subject to disciplinary action if that person is a licensee~~
35 ~~of the bureau, or that failure or false statement shall be cause for~~
36 ~~denial of a license under Section 480.~~

37 (d) ~~For purposes of subdivision (a), the term "named on" applies~~
38 ~~to a person who was an owner, partner, or corporate officer of an~~
39 ~~entity that was licensed or registered under the act at the time that~~

- 1 ~~entity's license or registration under the act was revoked,~~
- 2 ~~suspended, placed on probation, or surrendered.~~

O